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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 108/2021 & I.A. 13031/2021, 16059/2021, 4587/2022,**  
**7863/2022**  
**VICTORIA FOODS PRIVATE LIMITED** ..... Plaintiff

Through: Mr. Rohit Gandhi, Mr. Adhesh  
Srivastava, Ms. Apama Dhawan &  
Mr. Shrey Sharma, Advocates (M-  
9818610321)

versus

**RAJDHANI MASALA CO. & ANR.** ..... Defendants

Through: Mr. Chander Lall, Sr. Advocate with  
Mr. Amkur Singhel and Mr. Syad  
Sultan, Advocates. (M:9811126091)

**CORAM:**  
**JUSTICE PRATHIBA M. SINGH**

**ORDER**  
% **27.04.2022**

1. This hearing has been done through hybrid mode.
2. The present suit relates to the Defendants' manufacture, sale, offer for sale, and advertisements concerning various masalas under the Plaintiff's trademark and logo 'RAJDHANI'.
3. In this matter, a Local Commissioner was appointed vide the previous order dated 24th March, 2022, based on the allegation that the Defendants were continuing to manufacture the products- masalas and other spices, etc., under the mark 'RAJDHANI' despite the injunction order dated 1st September, 2021. The Local Commissioner-Mr. Dushyant K. Mahant who was present in Court, was immediately requested to visit the premises of the Defendants in order to see if there was any manufacturing or packaging of products under the mark 'RAJDHANI'.



4. Subsequently, the commission has been executed and the Local Commissioner's report dated 22nd April, 2022, has revealed that substantial quantities of infringing products were found in the premises of the Defendant. Further, it was also found that manufacturing was being carried out by the Defendants, and fresh packaging was seen on the machines at the time when the Local Commissioner reached the premises. The photographs of the premises, as also the products have been placed on record. The inventory shows that over 43 tonnes of masala, under the mark 'RAJDHANI' has been found at the premises. The Court has also been informed that the Local Commissioner had to visit the premises on three days i.e, 24th March, 2022, 25th March, 2022 and 26th March, 2022, for more than 18 hours, to execute the commission.

5. The fee of the Commissioner was fixed at Rs.1,00,000/- as there was no assessment at the initial stage as to the quantum of work which was involved in the matter. However, considering the amount of time i.e., more than 18 hours, spread over three days, spent by the Local Commissioner and the quantum of products retrieved, it is deemed appropriate that the Defendants ought to pay a further fee of the Commissioner. Accordingly, the Defendants shall pay to the Local Commissioner-Mr. Dushyant K. Mahant a sum of Rs.3,00,000/- within one week.

6. Insofar as the contempt petition being ***I.A.13031/2021*** is concerned, submissions are being heard. The parties are present in Court today.

7. List for further hearing on 28th April, 2022. Parties shall remain present on the next date.

**PRATHIBA M. SINGH, J.**

**APRIL 27, 2022/dj/ms**